JAN 0 7 2004

PAGE 01



Dear Sir/Madam (Fax #703-872-9306):

RE: Patent Filing 09/916,701, "Method for Shifting the Bandgap Energy of A Quantum Well Layer"

I called the paralegal of your "Office for Petition Examiner" today (at 703-305-9282) and they advised me to Fax you our document with respect to the above matter. Please pass the enclosed Fax document (total 26 pages) along to them for review.

We have been awaiting the award of the above patent that had been allowed on March14, 2003. The patent office probably mistakenly abandoned the patent on ground that it did not receive our final set of drawings (See attached Document page 6) while we had actually sent them on time.

A petition to "withdraw holding of abandonment" was sent to the patent office to correct the error. This was sent by our patent lawyer Alan Limbach of Gray Cary on 9 September 03 (page 1 of enclosed Document) with the enclosure of a return postcard and document to show our timely mailing date of 22 July 03 (page 8 of enclosed Document). The letter showed our timely submittal and possible Patent Office error.

We have not heard from the Patent Office since and are eager to see the award of the patent.

I am writing to you as the inventor and owner of this patent and would appreciate it if you could help me to check on the status of the above matter as this patent is very important to us. Please let me know if the Patent Office had received our 9 September communication letter and our set of drawings.

Please also let me know if the patent will be awarded soon. In case there is any questions, I can be contacted at 224-588-0958 (cell) at any time. In any case, I will call in (I was given 703-305-9265/9282 to call) a few days to check with you. Thanks.

Best regards,

Seng-Tiong Ho

120 Picardy Lane Wheeling, IL 60090 224-588-0958

7 Jan 04

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Attv Dekt Number: 2103248-990140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

+1 -

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

For: METHOD OF SHIFTING THE

BANDGAP ENERGY OF A QUANTUM

WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

2000 University Avenue, East Palo Alto, CA 94303-2248

(650) 833-2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United Setter Postal Service as first class mall is an envelope addressed to MS Issue Pac, Commissioner for Patents, P.O. Box, 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARRYNAME & PRESDERRICH

<u>______</u>

Commissioner for Patents PO Box 1450 Mail Stop: Issue Fee Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice f Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

- 1. Transmittal Form
- 2. PTOL 85B Fcc Transmittal

Atty Dokt Number: 2103248-990140

- 2 -

PATENT

- 3. Foo Transmittal.
- 4. Submission of Formal Drawings transmittal.
- 5. 13 Sheets of Formal Drawings.
- 6. Check for \$950.
- 7. Certificate of First Class Mailing
- 8. Return Postcard.

Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prime facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application b withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: 547.9, 2003

By: 166 4.

Alan A. Limbach Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)

TELECOPY: (650) 833-2001

Oray Cary\H\\7149889.1 2103248-990140

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UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTORNEY DOCKST NO. CONFIRMATION NO. PIRET NAMED INVENTOR FILING DATE APPLICATION NO. 031040-000600013 Boon-Siew Oct 07/26/2001 09/916,701 00/92/2003 26379 GRAY CARY WARE & FREIDENRICH LLP REPRESENTATE 2000 UNIVERSITY AVENUE B. PALO ALTO, CA 94303-2248 MULPURI SAVITRI PAPER NUMBER ART UNIT

> 2812 DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

PR C C 1 V C D SEP - 8 2003

YEAG YARD HOIRHRIGISHY & COUNTY

PTO-90C (Rev. 07-01)

P.O. Box 1460 Alexandria, VA 22313-1450

Mailed: September // U.S. Serial No. 09/916,701 Filed July 25, 2001 , 2003

Enclosed are:

- Transmittal Cover Sheet; Pedition to Withdraw Holding on Abandonment with Altachments; and 3) Return postcard.

. 2103248-990140 Phosistor Technologies

Mell Stop Issue Fee Commissioner of Patents P.O. Box 1450 Mailed: September / U.S. Serial No. 09/918,701 2003 Filed July 26, 2001 Enclosed are: edition to Withdraw Holding on Abandonman Attachments; and Return postcerd. . 2103245-990140 Phosistor Technologies

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Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR & 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed at untimely under 37 CFR \$ 1,181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facio Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA

22313-1450

703-305-8755 or 703-305-4372 By factimile:

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the numreceived Office would have been entered had it been received and docketed smust be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail:

Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at http://www.uspto.gov/september1/faxnotice.htm

Petition To Revive An Abandoned Application (See MPEP 711.63(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b). entionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alcoundria, VA 22313-1450

By head: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO websits – http://www.uspto.gov

Note: Abanziamment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Mail Stop: issue Fee
Conversationer for Patents
P.O. Ber 1450
P.O. Ber 1450
Alexandria, VA 2213-1450
Mailing Date: July 22, 2003
U.S. Scriat No.: 059916,701
Elting Date: July 26, 2001
Title: METHOD FOR SHIPTING THE BANDGAP ENERGY OF
QUANTUM WELL LAYER
Enclosed are:
1) Transmittal Form (in duplicate);
2) PTOL SSB For Transmittal (in duplicate);
3) Fire Transmittal FY 2003 (in duplicate);
4) Submission of Formal Drawings Transmittal (in duplicate);
5) 13 Shorts of Pormal Drawings:
5) Check in the amount of \$ 930.00;
6) Certificate of First Class Mailing; and
7) Return Postcard.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 221 | 3-1450

Mailing Date: July 22, 2003
U.S. Serial No.: 09916.70)
Filling Date: July 26, 2001
Title: METHOD FOR SHIPTING THE BANDGAP ENERGY OF A

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